SEA GIRT PLANNING BOARD

REGULAR MEETING

WEDNESDAY, MAY 19, 2021

The Regular Meeting of the Sea Girt Planning Board was held on Wednesday, May 19, 2021 at 7:00 p.m. virtually. In compliance with the Open Public Meetings Act, notice of this Body’s meeting had been sent to the official newspapers of the Board and the Borough Clerk, fixing the time and place of all hearings. Roll call was then taken:

Present: Carla Abrahamson, Councilwoman Diane Anthony, Karen Brisben,

Jake Casey, Mayor Ken Farrell, Stan Koreyva, Eileen Laszlo,

Robert Walker, Norman Hall

Absent: Raymond Petronko, John Ward

Board Attorney Kevin Kennedy was also present and Board Secretary Karen Brisben recorded the Minutes, Board Engineer Peter Avakian was going to be late and will login around 7:30. It was announced that the dates for the Regular Meetings had been sent to the official newspapers of the Board, giving the proper login information. Mrs. Brisben gave her email information in case someone was having a problem with being able to speak or logon correctly.

Mrs. Laszlo then made a motion to approve the Minutes of the   
May 4, 2021 meeting, this seconded by Mayor Farrell and approved, all aye.

Before starting on the evening’s business, Chairman Hall wanted to make a change and give the opportunity for the public to speak on any matter now before hearings start. He asked that they not be related to any item on the agenda but if they had a concern this was the time to speak. As there was no response the Board went to the matters on the agenda.

OLD BUSINESS:

The Board turned to consideration of a Resolution of approval for an application for a Minor Subdivision to create three conforming buildable lots, Block 19, Lots 15 & 16, 100-104 Beacon Boulevard (The Beacon House), owned by The Beacon House, LLC.

Mr. Kennedy went over the points of the Resolution, it was a variance free application and he did put in a paragraph regarding the litigation between the applicant and other parties. The following Resolution was then presented for approval:

**WHEREAS**, representative of The Beacon House, LLC have made Application to the Sea Girt Planning Board for the property designated as Block 19, Lots 15 & 16, commonly known as 100-104 Beacon Boulevard, Sea Girt, NJ, within the Borough’s District 1, East Single-Family Zone, for the following approval:

* Minor Subdivision Approval; and

**PUBLIC HEARING**

**WHEREAS**, the Board held a remote Public Hearing on May 4, 2021, Applicant’s representatives having filed proper Proof of Service and Publication in accordance with Statutory and Ordinance Requirements; and

**EVIDENCE / EXHIBITS**

**WHEREAS**, at the said Hearing, the Board reviewed, considered, and analyzed the following:

* *Planning Board Application, introduced into Evidence as A-1;*
* *Minor Subdivision Plan, prepared, signed, and sealed by Ray Carpenter, P.E. of R.C. Associates, dated March 25, 2021, introduced into Evidence as A-2;*
* *Topographic and Location Survey, prepared by WSB Engineering Group, P.A., dated August 12, 2020, introduced into Evidence as A-3;*
* *Leon S. Avakian, Inc. Review Memorandum, dated November 25, 2020, revised April 14, 2021, introduced into Evidence as A-4;*
* *Oil Tank Remediation Documentation, introduced into Evidence as A-5;*
* *Soil Boring Test Results, introduced into Evidence as A-6;*
* *Asbestos Inspection Report, introduced into Evidence as A-7;*
* *Asbestos Removal Certification Form, introduced into Evidence as A-8;*
* *100 Beacon Boulevard Demolition Permit, introduced into Evidence as A-9;*
* *Pool Demolition Permit, introduced into Evidence as A-10;*
* *Affidavit of Service; and*
* *Affidavit of Publication.*

**WITNESSES**

**WHEREAS**, sworn testimony in support of the Application was presented by the following:

* Candace Kadimik, Member of The Beacon House, LLC;
* Ray Carpenter, Professional Engineer / Professional Planner; and
* John A Haulenbeek, Esq. appearing;

**TESTIMONY AND EVIDENCE**

**WHEREAS**, testimony and other evidence presented by the Applicant’s representatives revealed the following:

* The Applicant herein is The Beacon House, LLC.
* The Beacon House, LLC, or Agents thereof, have owned the subject property since approximately 1998.
* Representatives of The Beacon House, LLC purchased the property, and consistently utilized the same, as an Inn (and for related purposes).
* The subject property previously consisted of 2 3-story framed dwellings (hotel), 2-bungalows, and an inground pool.
* Some of the existing structures have already been demolished.
* The Hotel / Inn Use is a pre-existing non-conforming use.
* The Applicant’s representatives are in the process of attempting to sell the subject property.
* The subject property currently contains approximately 22,875 SF.
* The Applicant’s representatives will arrange for all remaining structures on the site to be demolished.
* The Applicant’s representatives are proposing to subdivide the subject property into 3-single-family Lots.
* The single-family use, as proposed herein, is a permitted use.
* As indicated, the Applicant’s representatives are proposing to subdivide the subject property into 3 Lots; namely, proposed Lot 15.01, proposed Lot 15.02, and proposed Lot 16.01.
* Details pertaining to the proposed Lots include the following:

PROPOSED LOT 15.01

Minimum Required Lot Area: 7,500 SF

Proposed Lot Area: 7,500 SF

Proposed Use: New single-family home

PROPOSED LOT 15.02

Minimum Required Lot Area: 7,500 SF

Proposed Lot Area: 7,500 SF

Proposed Use: New single-family home

PROPOSED LOT 16.01

Minimum Required Lot Area: 7,500 SF

Proposed Lot Area: 7,875 SF

Proposed Use: New single-family home

* As referenced, all Lots will ultimately host a conforming (i.e. Variance-free) single-family homes.

**VARIANCE**

**WHEREAS**, the Application as presented does not require approval for any Variances; and

**PUBLIC COMMENTS**

**WHEREAS**, the following members of the public expressed questions, comments, and / or statements in connection with the Application:

* William Dunn
* Eileen Devlin
* Henry Bosset
* Jim Boriotti
* Catherine Metcalf

**FINDINGS OF FACT**

**NOW, THEREFORE, BE IT RESOLVED,** by the Planning Board of the Borough of Sea Girt, after having considered the aforementioned Application, plans, evidence, and testimony, that the Application is hereby **approved / granted with conditions**.

In support of its decision, the Planning Board makes the following Findings of Fact and Conclusions of Law:

1. The Sea Girt Planning Board has proper jurisdiction to hear the within matter.
2. The subject property is located at 100-104 Beacon Boulevard, Sea Girt, NJ, within the Borough's District 1, East Single-Family Zone. (The subject property (i.e. the mother Lot) is located at the corner of Beacon Boulevard and First Avenue.)
3. The subject site currently contains 22,875 SF.
4. The Applicant proposes to demolish the remaining structures and to subdivide the property into 3 Lots; namely, proposed Lot 15.01, proposed Lot 15.02, and proposed Lot 16.01.
5. Such a proposal requires Minor Subdivision Approval.
6. There are no Variances associated with the within proposal.
7. Each of the new Lots created hereunder will ultimately host a new single-family home.
8. Single-family homes are permitted uses in the subject Zone.
9. The single-family homes to ultimately be constructed on the Lots will comply with all Prevailing Bulk Requirements. That is, and as indicated, there are no Variances required in connection with the within Application.
10. The newly created Lot Sizes will comply with all Prevailing Lot Area Requirements.
11. The Board notes that the existing use (Hotel / Inn) is a pre-existing non-conforming use, which will be eliminated / abandoned in connection with the within approval.
12. The Board is also aware that approval of the within Application will eliminate approximately 6-7 pre-existing non-conforming variant / deviant conditions.
13. The Board is furthermore aware that approval of the within Application will replace a non-conforming use with conforming uses.
14. During the Public Hearing, there were some discussion / references to on-going litigation cases, or potential litigation cases, or anticipated litigation cases, in connection with various parties relative to the site, and surrounding sites. Respectfully, the existence of any such litigation cases, or potential litigation cases, does not directly involve the Sea Girt Planning Board, as the Planning Board is not a named Defendant in any such cases. That notwithstanding, as a matter of law, the Board Members note that the Variance-free Subdivision Application has been strictly reviewed in accordance with the Subdivision Standards / Checklist Requirements of the Borough of Sea Girt. That is, the existence of any potential litigation claims do not materially affect the Board’s traditional Zoning Review of a Variance-free Application.
15. Sufficient parking spaces will be provided ono each new lot created hereunder.
16. There was no known public opposition associated with the Application.
17. Subject to the conditions contained herein, and subject to any necessary waivers, the Application as presented satisfies the Minor Subdivision Requirements of the Borough of Sea Girt.
18. Based upon the above, and subject to the conditions contained herein, the Board is of the unanimous opinion that the Minor Subdivision Application can be granted without causing substantial detriment to the public good.

**CONDITIONS**

During the course of the Hearing, the Board has requested, and the Applicant’s Representatives have agreed to comply with the following conditions: (Note: Unless otherwise indicated, all Plan Revisions shall be subject to the review and approval of the Board Engineer.)

1. The Applicant shall comply with all promises, commitments, and representations made at or during the Public Hearing process.
2. The Applicant shall comply with all terms and conditions of the Leon S. Avakian Review Memorandum, dated November 25, 2020, revised April 14, 2021 (A-4).
3. In conjunction with the demolition of any remaining structures, and the perfection of the within Subdivision, any pre-existing non-conforming uses at the site shall be officially and perpetually abandoned (if not already abandoned).
4. The Applicant’s representative shall provide the Board Engineer and Board Secretary with the Certification confirming that any existing asbestos has been lawfully removed and disposed of.
5. The Applicant’s representatives shall confirm the heights of the proposed homes and confirm that the measurements were effectuated in accordance with the Borough’s Prevailing requirements, as no Height Variance Relief is granted.
6. The Applicant’s representatives shall arrange for the Owner’s Representative to sign the Subdivision Plans.
7. 5 Revised Subdivision Plans shall be submitted to the Board Secretary.
8. The Applicant shall obtain any necessary demolition Permits, as the Borough of Sea Girt may require.
9. Unless otherwise waived by the Board Engineer, the Applicant’s representatives shall submit a new Survey of the property (certified to the Applicant).
10. The Subdivision shall not be perfected until such time as all of the existing structures on the site are demolished / removed.
11. In the event the subdivision is to be perfected via Deed, the Subdivision Deed (including the legal descriptions) shall be reviewed and approved by the Board Attorney and Board Engineer.
12. Prior to the issuance of any Construction Permits, the Applicants (or successor Applicants / Owners) shall submit grading, drainage, plot, and utility plans (and drainage calculations) to the Board Engineer, for his review and approval.
13. The Applicant, or any successor Applicant / Owner, shall comply with all Prevailing Rules, Regulations, Installation, and Hook-Up Requirements of the Municipal Utility Authorities.
14. Prior to the issuance of any Building Permit, the Applicant, or any successor Applicant / Owner, shall submit detailed Plans / Elevations – and the said documents shall be reviewed / approved by the Board Engineer / Zoning Officer (as well as any other applicable municipal officials).
15. Any single-family homes to be constructed on the newly created Lots shall comply with all Prevailing Bulk Zoning Regulations (as no Variances are granted hereunder.)
16. The subdivision shall be perfected in accordance with Requirements of New Jersey Law (and within the timeframe set forth in New Jersey Law.)
17. The Applicant shall review the proposed Block / Lot designations with the Municipal Tax Assessor so as to confirm the acceptability of the same.
18. The Applicant (or any successor Applicants) shall comply with all applicable Affordable Housing Rules / Regulations / Ordinances / Contributions / Directives as may be required by the Borough of Sea Girt, the State of New Jersey, C.O.A.H., the Court System, or any other Agency having jurisdiction over the matter.
19. Any construction / development of the Site (if applicable, and if authorized herein) shall comply with the Prevailing FEMA Requirements.
20. The Applicant shall comply with all terms and conditions of the review memoranda, if any, issued by the Board Engineer, Construction Office, the Department of Public Works, the Office of the Fire Prevention and Investigation, and/or other agents of the Borough.
21. The Applicant shall obtain any and all approvals (or Letters of No Interest) from applicable internal / outside agencies - including, but not limited to, the United States of America (FEMA), the Department of Environmental Protection (CAFRA), the Monmouth County Planning Board, the Freehold Soil Conservation District, the local utility offices, the Department of Public Works, the local Fire Department, and any other agency having jurisdiction over the matter.
22. The Applicant shall, in conjunction with appropriate Borough Ordinances, pay all appropriate/required fees, taxes, and inspection fees.
23. If required by the Board Engineer, the Applicant shall submit appropriate performance guarantees in favor of the Borough of Sea Girt.

**BE IT FURTHER RESOLVED**, that all representations made under oath by the Applicant and/or its agents shall be deemed conditions of the approval granted herein, and any mis-representations or actions by the Applicant contrary to the representations made before the Board shall be deemed a violation of the within approval.

**BE IT FURTHER RESOLVED,** that the Application is granted only in conjunction with the conditions noted above - and but for the existence of the same, the within Application would not be approved.

**BE IT FURTHER RESOLVED,** that the granting of the within Application is expressly made subject to and dependent upon the Applicant’s compliance with all other appropriate Rules, Regulations, and/or Ordinances of the Borough of Sea Girt, County of Monmouth, and State of New Jersey.

**BE IT FURTHER RESOLVED,** that the action of the Board in approving the within Application shall not relieve the Applicant of responsibility for any damage caused by the subject project, nor does the Planning Board of the Borough of Sea Girt, the Borough of Sea Girt, or its agents/representatives accept any responsibility for the structural design of any constructed improvement, or for any damage which may be caused by the demolition / development / subdivision.

FOR THE APPLICATION: Councilwoman Diane Anthony, Karen Brisben, Jake Casey, Mayor

Ken Farrell, Stan Koreyva, Eileen Laszlo, Robert Walker, John Ward, Norman

Hall

AGAINST THE APPLICATION: None

ABSTENTIONS: None

ABSENT: Carla Abrahamson, Raymond Petronko

The foregoing Resolution was offered by Mayor Farrell, seconded by Mr. Walker and adopted by Roll Call Vote:

IN FAVOR: Councilwoman Diane Anthony, Karen Brisben, Jake Casey, Mayor Ken Farrell,

Stan Koreyva, Eileen Laszlo, Robert Walker, Norman Hall

OPPOSED: None

ABSTAINED: None

INELIGIBLE TO VOTE: Carla Abrahamson

ABSENT: Raymond Petronko, John Ward

NEW BUSINESS:

The Board then considered an application for variance relief for Block 57, Lot 9, 410 Washington Boulevard, owned by George & Frances Pierce, to allow a screened porch and deck. Building Coverage – 20% maximum allowed, 23.26% proposed.

The correct fees were paid, taxes are paid to date and the property owners within 200 feet as well as the newspaper were notified properly. Mr. Kennedy asked if anyone in the audience had a question/concern with the notice received and Sheryl Goski had an issue with the notice, she felt it was improper for her as it was mailed to her old address in Hoboken and she now lives in Sea Girt. Mrs. Brisben told her that she does the list and uses the information that is in the tax records at the Borough Hall, if it is an old address she will see that is changed when she is back in the office. Mr. Michael Rubino, the attorney for the Pierce application, said he relies on the list given to him for the mailings and the law states this. He did comment that she was here tonight and she said she just had received it, it was forwarded to her by the Post Office. Mr. Kennedy added that Mr. Rubino was correct and he used the correct procedure in the mailings, relying on the list he was given, he was just glad she did get the notice in time for tonight’s meeting but he noted her objection. Mr. Rubino said if she still had issues with the notice they were agreeable to carry it to next month if needed after the testimony; both Chairman Hall and Mr. Kennedy felt this was more than fair.

At this time Mr. Kennedy marked the following exhibits:

A-1. The application.

A-2. Architectural plans done by Richard Villano, dated 1/6/21.

A-3. Survey dated 12/19/19, done by William J. Fiore.

A-4. Engineering review dated 5/7/21.

Mr. Rubino was told he had one hour to present the application and said he had a photo board to submit for an exhibit, it had been mailed to the Board Secretary and he assumed it had been forwarded. Mrs. Brisben said she had not seen this and it had not been forwarded; the photo board was marked as Exhibit A-5.

Mr. Rubino said a lot of work has been done at this home and they now want to make a 375 square foot addition for a screened-in porch. Mrs. Pierce is an older woman and has a problem with tripping and falling; stairs make her nervous so she would like a deck off the back of the home that can be accessed by the bedroom and the family room without stairs. If this deck were built at 18 inches or less they would not be before the Board but it is 4 feet off the ground and, therefore, adds to lot coverage.

At this time Frances Pierce was sworn in. She testified that she has owned the home in Sea Girt for 40 years, she is 79 years old and has difficulty with steps, she fell and fractured her pelvis. She wants to be living on the first floor and noted she has one son and no grandchildren, her husband passed away in 2016 so she is pretty much on her own; she commented the proposed deck will not be seen from the street.

At this time the Board had questions: Mr. Walker asked for confirmation that the deck will come off the first floor and Mrs. Pierce said yes, there is no deck there now. Mr. Rubino added the deck will be in the back of the house, off the family and bedroom. Mrs. Pierce added that they will add a drywell if it is required. Mr. Casey asked what will be under the deck and Mr. Rubino answered it will be dirt.

As there were no other questions the hearing was opened to the public for questions to Mrs. Pierce and there was no response, so Mr. Richard Villano came forward and was sworn in, he is the Architect and has been licensed in N.J. since 1983. As Mr. Hall knew Mr. Villano he was accepted as an expert witness. He explained she wants to modernize her home with a new kitchen, bathroom, flooring and an addition of a screened porch and deck. To alleviate problems with steps they are asking for a raised deck to 4 feet off the ground which brings up the variance request. The deck will be 405 square feet with a door from the bedroom and family room and does bring the building to over the maximum building coverage due to the height of the deck. Under the deck will be dirt and sand and water will flow through the deck. Mr. Rubino added that under the deck will never be impervious coverage and the applicant agrees to all in the Engineer’s report. Mr. Walker asked Mr. Villano if he tried to meet the 20% maximum building coverage and Mr. Villano said they would have to take the deck down to 18 inches to do this. Chairman Hall asked if they are adding both a screened porch and deck and the answer was yes, the porch complies. Mr. Casey asked if the screened porch has been built and was told no, neither has the deck. Councilwoman Anthony asked if there was consideration of a smaller screened porch or deck? Mr. Rubino said the porch does comply, it is the deck that needs the variance and they do not want to make a smaller porch or deck, they are asking for variance relief due to a handicapped condition.

Mr. Casey commented they are asking for a 16% overage and Mr. Rubino disagreed and said they are 3% over, not 16%. Mayor Farrell asked the square footage of the screened porch and was told 367 square feet. Chairman Hall asked if the 405 square feet for the deck was for the entire deck and the answer was yes. Mrs. Abrahamson asked how much square footage would have to come off to make it comply and Mr. Rubino said it is the entire deck of 405 square feet, it would have to come off or made lower. Mrs. Brisben asked if a ramp can be made to accommodate the access to the deck and Mr. Villano said it would be too steep for a ramp.

As there were no further Board questions, the hearing was opened to the public for questions to Mr. Villano. Sheryl Goski said there has been construction for a year and then asked about the addition to the home. Mr. Villano said they added a family room of 350 square feet. Ms. Goski then asked if the sunroom was not built would the deck comply and this led to a brief discussion on it not being a sunroom but a screened porch which will be a covered roof structure with 3 sides of screened panels and will be level with the house and deck. She then asked why not just have the porch and Mr. Rubino said they can have the porch and deck if it is 18 inches or less, they are asking the Board to allow the deck to be raised 2 ½ feet. Ms. Goski then asked why this was not before the Board a year ago and Mr. Rubino said they did not have to go to the Planning Board for building permits. At this Mrs. Pierce spoke up and said that construction started in October and it has not been a year as Ms. Goski said.

At this time Mr. Kennedy asked Mr. Rubino if he could show Exhibit A-5 to the Board and Mr. Rubino just held it up as he was not familiar with how to share the screen. There was a photo of Mrs. Pierce’s handicap car sticker, a photo of where she fell, a photo of where the new addition will be on the home and the landscaping, a photo of where the screen porch will come out, a photo of the new family room, a photo of where the deck will be and another one of landscaping. He again reminded all that they were willing to carry the hearing to next month’s meeting on June 16th.

At this time the application was open for public comments and Joe Sciamarbelli, one of the builders here, asked to speak; he gave his address as 153 Riverside Drive, Brick. He wanted the Board to know that, either way, the screened porch and deck are going to be built, they may have to build the deck at 17” or at the 4 feet they are asking, but it will be built. As there were no other comments that portion of the hearing was closed and Mr. Rubino did his summary. He said they are asking for relief to allow a deck that will be 2.5 feet higher and will need a variance; if they don’t get variance approval the deck will be built under the 18 inches allowed.

At this time there were comments from the Board: Mr. Walker asked for confirmation that they are talking about 2 steps and Mr. Villano agreed. Councilwoman Anthony appreciated them wanting the deck level with the first floor, but the porch is 20x18 and the deck is 405 square feet and she agreed with the neighbor on the size of the screened porch, why do they need to be so large? Mrs. Pierce said the builders recommended a deck this size. Mrs. Laszlo could image the challenges dealing with the renovation project and she had no issue with the variance, it was reasonable and she was in favor. Mr. Casey thought this almost looks like a new home and he sympathized with the fall issues of Mrs. Pierce but he fells that 20% is what the town allows and they should stick with it. Mrs. Abrahamson commented the deck is going in either way and she was okay with it, she just wanted confirmation it will never be enclosed. Mr. Koreyva was in full agreement with Mrs. Laszlo and Mrs. Abrahamson and was in favor. Mayor Farrell was against this and did not think it was viable in town. Mrs. Brisben said it will not be seen from the street and Mrs. Pierce should be able to enjoy the deck at the first floor level, she was for the application. Chairman Hall was inbetween and can see both sides, he would like to see less coverage considered.

Mr. Kennedy then had Sheryl Goski sworn in so he could ask her if she needed more time or could the Board vote tonight. Ms. Goski said she would like more time – Mr. Rubino asked to speak to his client, Mrs. Pierce, and came back and said they agree to carry this hearing to the June 16th meeting with no further notice. Mr. Kennedy asked if they agree to waive the time frame for approval and the answer was yes. A motion was then made, by Mrs. Laszlo and seconded by Mayor Farrell, to carry this matter to June 16th. This was approved by the Board, by voice vote, all aye.

It was now 8:16 p.m. and Mr. Petronko came into the meeting, he apologized for being late but he had dental work done.

The Board then considered an application for variance relief for Block 8, Lot 1, 822 First Avenue, owned by Michael Lahue & Robin Pio Costa, to allow renovations to an existing dwelling. Building Coverage – 20% maximum allowed, 23.16% proposed. Generator – to be located in rear yard or on top of structure, Front Yard Setback along first Avenue proposed. Existing Non-Conformities: Driveway – not to exceed 14 feet, 22 feet existing. Air Condensers – to be located in rear yard or on top of structure, air condensers located in side yard. Patio – permitted in rear yard only, existing patio is in side yard and is 2 feet from adjoining Lot 2 where 5 feet is required.

The correct fees were paid, taxes are paid to date and the property owners within 200 feet as well as the newspaper were properly notified. Mr. Kennedy started the presentation by marking the following exhibits:

A-1. The application

A-2. Architectural plans prepared by Kenneth Fox, dated 8/27/20.

A-3. Topographic survey prepared by David Von Steenburg, dated 9/29/20.

A-4. Building & Lot Coverage calculation worksheet.

A-5. Engineering report dated 5/7/21.

Mr. Kennedy also asked the audience if anyone had a problem with the notice they had received and there was no response. Mr. Kennedy had Mr. Avakian, Board Engineer, sworn in as he had logged in earlier. Mr. Avakian wanted to let all know there was an error in his report in regards to building coverage, it was originally stated that it was 23.16% but it is 20.8%.

Mr. Keith Henderson, Esq., the attorney representing this application, came forward and said he had two witnesses, Mr. Michael Lahue of 822 First Avenue and Mr. Kenneth Fox, Architect & Planner of 546 Route 10, Ledgewood, N.J.; both were sworn in and Mr. Fox was accepted as an expert witness. Exhibit A-6 was then submitted, a photo Board with 4 photos of views of the home.

Mr. Lahue started the testimony and said they have owned the property for 32 years, they now want to upgrade it so they hired Mr. Fox. As there were no questions from the Board, Mr. Fox came forward. He said he had reviewed the property and this is a single family home; he then showed the photo board on screen sharing; ariel photos which show the home fronting on 3 streets close to the beach. The proposal is within the height Ordinance and there will be a viewing deck. The variances needed are for maximum building area, garage setback and mechanicals not in rear yard – the building coverage will be at 20.8%, the integrated garage exists and by building over it creates a building coverage issue. Mr. Henderson added they comply with Impervious Coverage requirements and Mr. Fox showed where the generator is on the photo in Exhibit A-6. He showed where it will be, inside the vegetation along First Avenue, the vegetation is to remain and will hide it.

Mr. Henderson then asked about the Engineer’s report and Mr. Fox said he had reviewed it and they agree to all stipulations, the drywell, etc. Mr. Avakian asked if the air conditioners are going to be located and Mr. Henderson said they are not being moved at this time but when they put in new air conditioning units and other mechanical equipment they will be on the roof in the deck area. Mr. Fox then went over the criteria for the C-1 and C-2 criteria for variances and felt this new design is better due to the layout of the property, the front of the home is actually the side yard and the rear is also a side yard. The variance request for coverage is at 20.8% and this is due to the garage becoming part of the building coverage along with the new steps to the deck; the Board can grant approval for these. Under the C-2 criteria this creates a more desirable environment, putting on an addition, adding dormers, new windows and siding, putting in a sloped roof to give more of a house look as well as adding a cupola and re-doing the front porch. There is no negative criteria, none to the neighbors or the Ordinance, all improvements are under the height limit; there will be no negative impact for the generators and they will be as far away as possible from the neighbors. Mr. Walker asked if the generator on the ground will be elevated and Mr. Fox said yes, they will work on this with the town. Mrs. Brisben asked if the generator installation will result in landscaping being removed and was told there is enough open area inside the landscaping that this can be done between the trees and house. It was confirmed that the house footprint is not being expanded other than the steps being put in for the deck.

Chairman Hall asked Mr. Avakian about the corner lot and 3 sides and Mr. Avakian said the front is really the side and so the setback is 15 feet and not 40 feet. Some homes in this area front on Morven Terrace and some front on First Avenue. There is no additional coverage criteria, there are a lot of yard requirements that are difficult to meet. He felt the placement here is proper and the variance for the coverage is small; the lot size is over 10,000 square feet but this is the Board’s decision to make.

As there were no further questions from the Board the hearing was opened to the public for questions and there was no response so Mr. Henderson gave his summary and felt his is an innocuous application, the generator is a no-brainer, it is in the only place it will fit and the building coverage is under 1%. The other improvements are not adding anything and the stairwell is needed. He did not think there is any negative criteria and he requested Board approval.

At this time the hearing was opened to the public for any general comments and, again, there was no response so that portion of the hearing was closed and the Board went into discussion. Mrs. Laszlo felt it was a beautiful design and was in favor, Mr. Petronko felt it was great testimony and was for approval, Councilwoman Anthony agreed with the generator placement but trees have a lifespan and asked that plantings be replaced if needed and wished the Lahues good luck with the construction. Mr. Walker felt the variances were de-minimis and was also in favor, Mrs. Abrahamson and nothing further to add and was in favor of approval, Mr. Casey felt it was a good application and he appreciated the design, he was a yes vote. Mr. Koreyva said he, too, was in favor of approval as well as Mayor Farrell, Mrs. Brisben and Chairman Hall.

Mr. Kennedy then went over the general conditions of approval, there will be a 20.8% variance for building coverage, compliance with the Engineer’s report as well as drainage issues, the applicant will have 24 months to do the work, there will be landscaping maintained around the area of the generator and a drywell installed. The existing air conditioners can stay until replaced, then on the roof; he also added the standard condition paragraph that goes into all Resolutions. Mr. Henderson agreed to all the conditions so, at this time, Mrs. Laszlo made a motion to approve the application as presented with the conditions noted, this seconded by Councilwoman Anthony and by the following roll call vote:

Ayes: Carla Abrahamson, Councilwoman Diane Anthony, Karen Brisben, Jake

Casey, Mayor Ken Farrell, Eileen Laszlo, Raymond Petronko, Robert

Walker, Norman Hall

Noes: None

Not Eligible to Vote: Stan Koreyva (Alternate Member)

OTHER BUSINESS:

The Board then had a discussion of a letter received from the Bureau of Ocean Energy Management inviting Sea Girt Planning Board to be a consulting party to Section 106 review, construction of up to 240 wind turbines and cables, etc. east of Long Branch.

Mrs. Brisben said that Council had also received the same letter and this is for the project of installing wind turbines 19.5 miles off the coast of Long Branch; she read a portion of the letter asking for consultants. There was a brief discussion and the Board felt that Mr. Ward would be the best person to do this, they felt the Planning Board should have a representative there. Mr. Walker said if Mr. Ward did not want to do this then he will; Mrs. Brisben will let the Bureau know of this decision after she hears from Mr. Ward, who was absent. Mayor Farrell said he will also contact the Borough Administrator on this in regards to Council also being on.

Before adjourning, Mr. Petronko apologized for being late, he had dental work done and was delayed. He also wanted to tell the Board that he will be resigning in November as he and his wife are going to become snowbirds and have purchased a home in Naples, Florida; he was sad to have to resign from the Board and commented on the asset Mr. Ward is, he is a very good member. Chairman Hall said he felt blessed to have everyone that is on the Board and Ray will be missed. He said if anyone knows someone that would like to serve to please let Mayor Farrell know. Mr. Petronko said he will also be retiring from work and has been very proud to be on this Board and felt it has done good work. He and his wife will be in Sea Girt from May until September each year.

As there was no other business to come before the Board a motion to adjourn was made by Mr. Casey, seconded by Mr. Walker and unanimously approved, all aye. The meeting was adjourned at 9:40 p.m.

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Karen S. Brisben, Secretary to the Board

Approved: June 16, 2021